

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN PAYNE,

No. C 08-01786 WHA

Plaintiff,

v.

**ORDER VACATING HEARING**

CITY OF OAKLAND, et al.,

Defendants.

Plaintiff filed this *pro se* prisoner's civil rights action in April 2008. After multiple rounds of amendment, a March 2009 order required service of the complaint on certain defendants. In May 2009, Defendants filed a motion for summary judgment. Defendants erroneously noticed the motion for a hearing on June 25, 2009. According to the briefing schedule delineated in the order of service, the deadlines for plaintiff's opposition brief and defendants' reply brief have not yet arrived. The order further indicated that the motion would be deemed submitted once the reply brief was received and that no hearing would be held unless one was ordered by the Court. The hearing scheduled for June 25, 2009, is **VACATED**.

**IT IS SO ORDERED.**

Dated: June 17, 2009.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE